

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,) CASE NO. MJ 07-356
Plaintiff,)
v.)
JOVIA DIEZ MARTIN,) DETENTION ORDER
Defendant.)
_____))

Offense charged: Possession of Cocaine Base with Intent to Distribute (2 counts); Felon in Possession of a Firearm

Date of Detention Hearing: August 10, 2007

The Court, having conducted a detention hearing pursuant to 18 U.S.C. § 3142(f), and based upon the factual findings and statement of reasons for detention hereafter set forth, finds that no condition or combination of conditions which defendant can meet will reasonably assure the appearance of defendant as required and the safety of other persons and the community.

FINDINGS OF FACT AND STATEMENT OF REASONS FOR DETENTION

1. Defendant is charged with two counts of possessing five grams or more of a

DETENTION ORDER
18 U.S.C. § 3142(i)
PAGE 1

01 mixture or substance containing cocaine base in the form of crack cocaine and one count of being
02 a felon in possessing of a firearm. The Complaint alleges that when arrested for the first charge,
03 defendant was found passed out in a vehicle stopped in the middle of the northbound lanes of the
04 Alaskan Way viaduct in Seattle. Six weeks later, defendant was arrested when he allegedly drove
05 by a car wash on Rainier Avenue South, and yelled "I'm going to kill you and every one of you
06 guys", and brandished a firearm.

07 2. Defendant's past criminal record includes multiple VUCSA charges and a
08 Manslaughter 1st Degree conviction. According to the National Crime Information Center, the
09 defendant is associated with eight alias names, three dates of birth, and three social Security
10 numbers. While incarcerated with the Washington State Department of Corrections, the defendant
11 is reported to have had over 50 infractions, including fighting, lying to staff, and multiple threats
12 against other inmates.

13 3. Defendant poses a risk of nonappearance due to a history of noncompliance with
14 Department of Corrections supervision, a significant history of infractions while previously
15 incarcerated, association with alias forms of identification, and some unverified background
16 information. Defendant poses a risk of danger due to the nature and circumstances of the instant
17 charges, a significant history of infractions while previously incarcerated, and his criminal history.

18 4. There does not appear to be any condition or combination of conditions that will
19 reasonably assure the defendant's appearance at future Court hearings while addressing the danger
20 to other persons or the community.

21 It is therefore ORDERED:

22 (1) Defendant shall be detained pending trial and committed to the custody of the

01 Attorney General for confinement in a correction facility separate, to the extent
02 practicable, from persons awaiting or serving sentences or being held in custody
03 pending appeal;

04 (2) Defendant shall be afforded reasonable opportunity for private consultation with
05 counsel;

06 (3) On order of a court of the United States or on request of an attorney for the
07 Government, the person in charge of the corrections facility in which defendant is
08 confined shall deliver the defendant to a United States Marshal for the purpose of
09 an appearance in connection with a court proceeding; and

10 (4) The clerk shall direct copies of this Order to counsel for the United States, to
11 counsel for the defendant, to the United States Marshal, and to the United States
12 Pretrial Services Officer.

13 DATED this 10th day of August, 2007.

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16 Mary Alice Theiler
17 United States Magistrate Judge
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